

1 DANIEL G. BOGDEN
United States Attorney
2 Nevada Bar No. 2137
DANIEL D. HOLLINGSWORTH
3 Assistant United States Attorney
Nevada Bar No. 1925
4 Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South, Suite 5000
5 Las Vegas, Nevada 89101
Telephone: (702) 388-6336
6 Facsimile: (702) 388-6787
Counsel for the United States of America
7
8
9

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,)

13 Plaintiff,)

14 v.)

2:07-CR-302-KJD (RJJ)

15 JIA HUI KEYES and CHRISTOPHER SMITH,)

16 Defendants.)

17 **UNITED STATES OF AMERICA'S MOTION TO DECLARE MOTION (DOCKET #61),**
18 **DECLARATION (#62), RESPONSE (#63), REPLIES (#65, #68, #73), AMENDED**
CERTIFICATE OF SERVICE (#67), AND NOTICES (#71, #72) AS MOOT AND ORDER

19 The United States of America ("United States"), by and through Daniel G. Bogden, United
20 States Attorney for the District of Nevada, and Daniel D. Hollingsworth, Assistant United States
21 Attorney, respectfully moves this Court to declare Motion (Docket #61), Declaration (#62), Response
22 (#63), Replies (#65, #68, #73), Amended Certificate of Service (#67), and Notices (#71, #72) as moot
23 and to deny them.

24 The grounds for declaring the above-mentioned pleadings as moot and denying them are the
25 United States and the third parties have resolved the issues they asked the court to determine and acted
26 on those resolutions. The parties no longer need this Court to make the determinations.

1 This motion is made and based on the attached points and authorities.

2 DATED: May 13, 2011.

3 Respectfully submitted,

4 DANIEL G. BOGDEN
United States Attorney

5 /s/ Daniel D. Hollingsworth
6 DANIEL D. HOLLINGSWORTH
Assistant United States Attorney

MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

The United States of America and the respective third parties have resolved the issues in the Motion (Docket #61), Declaration (#62), Response (#63), Replies (#65, #68, #73), Amended Certificate of Service (#67), and Notices (#71, #72). According to Special Agent Wade Berrett, Internal Revenue Service-Criminal Investigation, the Internal Revenue Service has paid the principal, interest, and attorney's fees to Gonzales & Gonzales Bonds and Insurance Agency, Inc., and has transferred 2275 Laramine River Drive, Henderson, Nevada and 8344 Kimberly Diamond Street, Las Vegas, Nevada to Wells Fargo Bank, N.A., successor by merger to Wachovia Mortgage, FSB, successor by merger to World savings Bank, FSB, formerly known as World Savings and Loan Association. Since the issues before the court have been resolved and completed, there is no need for this Court to resolve the issues in the aforementioned pleadings.

II. ARGUMENT

As a condition of exercising jurisdiction, a court must determine if a claim is moot. *Bernhardt v. County of Los Angeles*, 279 F.3d 862, 871 (9th Cir. 2002). An actual controversy must exist at all stages of a case. *Id.* “[M]ootness can arise at any stage of litigation” *Calderon v. Moore*, 518 U.S. 149, 150 (1996) (citation omitted). Federal courts cannot give opinions on moot questions. *Id.* When intervening events occur that prevent a federal court from providing any effectual relief on questions, they are moot. *Id.*; see also *Foster v. Carson*, 347 F.3d 742, 745-46 (9th Cir. 2003).

As mentioned above under the statement of facts, the issues have been resolved, and actions taken by the respective parties. Since the issues before the court no longer exist, they are moot. This Court should deny these pleadings as moot.

Once this Court denies these pleadings as moot, the United States can submit the Final Order of Forfeiture. When this Court signs the Final Order of Forfeiture, the United States will be able to sell 4204 Sunrise Avenue, Las Vegas, Nevada with clear title. 21 U.S.C. § 853(n)(7).

...

Based on the foregoing reasons, this Court should declare Motion (#61), Declaration (#62), Response (#63), Replies (#65, #68, #73), Amended Certificate of Service (#67), and Notices (#71, #72) as moot and deny them.

Respectfully submitted,

/s/ Daniel D. Hollingsworth
DANIEL D. HOLLINGSWORTH
Assistant United States Attorney

UNITED STATES DISTRICT JUDGE

DATED: _____

PROOF OF SERVICE

I, Heidi L. Skillin, certify that the following individuals were served the within and foregoing
**UNITED STATES OF AMERICA'S MOTION TO DECLARE MOTION (DOCKET #61),
DECLARATION (#62), RESPONSE (#63), REPLIES (#65, #68, #73), AMENDED
CERTIFICATE OF SERVICE (#67), AND NOTICES (#71, #72) AS MOOT AND ORDER** on
May 13, 2011, by the below-identified method of service:

CM/ECF:

Kirk T. Kennedy, Lead Attorney
815 S. Casino Center Blvd.
Las Vegas NV 89101
Attorney for Jia Hui Keyes

Robert M. Draskovich, Jr., Lead Attorney
815 S. Casino Center Blvd.
Las Vegas NV 89101
Attorney for Jia Hui Keyes

Steven W. Pite
Laurel I. Handley
Pite Duncan LLP
525 E. Main St.
P.O. Box 12289
El Cajon CA 92022
*Attorney for Wells Fargo Bank, N.A., successor by merger to Wachovia Mortgage, FSB,
successor by merger to World savings Bank, FSB, formerly known as World Savings and
Loan Association*

Mark J. Bourassa
The Bourassa Las Group, LLC
3025 West Sahara Avenue, Suite 200
Las Vegas, Nevada 89102
Attorney for Gonzales & Gonzales Bonds and Insurance Agency, Inc.

Laura Rehfeldt
Clark County District Attorney's Office, Civil Division
500 S. Grand Central Pkwy, 5th Floor
P.O. Box 552215
Las Vegas, NV 89155-2215
RehfeLL@co.clark.nv.us
Counsel for Clark County

...

...

Gary A. Nye
Michael L. Phillips
Roxborough Pomerance and Nye LLP
5820 Canoga Ave., Suite 250
Woodland Hills, CA 91367
Attorney for Gonzales & Gonzales Bonds and Insurance Agency, Inc.

6